

## SELF-SERVICE CENTER

### INSTRUCTIONS FOR HOW TO FILL OUT PETITION TO ENFORCE COURT ORDER ABOUT DIVISION OF PROPERTY

#### **WHEN TO USE THIS FORM:**

Use this form if you want to get a court order making the other party obey the divorce decree about division of property. **YOU CANNOT USE THIS FORM TO MAKE THE OTHER PARTY PAY A DEBT HE OR SHE WAS ASSIGNED AS A RESULT OF THE DIVORCE.** USE THIS FORM ONLY If you have a divorce decree that gave you certain property or rights to property, and your former spouse is not obeying the divorce decree.

**WHEN FILLING OUT ANY COURT FORMS, PLEASE TYPE OR PRINT WITH BLACK INK ONLY!**

#### **IMPORTANT NOTICE TO VICTIMS OF DOMESTIC VIOLENCE:**

Unfortunately, domestic violence can be part of any relationship. Domestic violence can include physical violence such as hitting, slapping, pushing, or kicking against you and/or your child(ren) and threats of physical violence or regular verbal abuse used to control you and/or your children. Your spouse does NOT need to have been convicted of domestic violence or assault for you to be a domestic violence victim, and you do not need to have sought medical care or been admitted to a hospital to be a victim.

All court documents will request your address and phone number. If you are a victim of domestic violence, are in a domestic violence shelter, or if you do not want your address known in order to protect yourself or your children from further violence, **you must file for an order of protection first and ask that your address not be disclosed on court papers. With that order, you do not need to put your address and phone number on your divorce papers.** If possible, get a P.O. Box or use a valid address on these papers. If you have no other address or phone where you can be reached when you file, write "protected" where asked for this information and update the clerk of the court with an address and phone number as soon as possible.

#### **CASE NUMBER**

Use the same Case Number on all your court papers that you received with your original case. This is the number you were assigned in the divorce, separation, paternity or child support case you already had in court in Maricopa County.

#### **PETITION:**

- A. Make sure your form states PETITION TO ENFORCE COURT ORDER ABOUT DIVISION OF PROPERTY in the upper right hand part of the page.
- B. In the top left corner of the first page, fill out the following: YOUR name; address (if not protected); city, state and ZIP code; telephone number; and your ATLAS number, if you are receiving or have received financial assistance from the Arizona Department of Economic Security.
- C. Fill in the space that says "Name of Petitioner" and "Name of Respondent." You will be the PETITIONER if your divorce, separation, paternity or child support order was from another county or another state, and this is the first time you are filing a court case in Maricopa County. Otherwise, complete the caption exactly the same way as it was in the divorce, separation, paternity or child support case in Maricopa County.

**WARNING: IF YOU HAVE AN EXISTING CASE IN MARICOPA COUNTY, DO NOT GET A NEW CASE NUMBER WHEN FILING YOUR CASE! USE YOUR EXISTING CASE NUMBER. IF YOU DO NOT KNOW YOUR EXISTING CASE NUMBER, ASK THE CLERK FOR YOUR EXISTING NUMBER BEFORE YOU FILE YOUR COMPLAINT/PETITION.**

**A. General information:**

1. Fill in your name, address (if not protected) and date of birth. This is basic information about YOU, the PETITIONER.
2. Fill in the name of the opposing party, his or her address and date of birth. This is basic information about the opposing party, the RESPONDENT.
3. Give the information about the decree you want enforced.
4. Fill in information about all the other cases you or your former spouse have filed to enforce or modify the divorce decree.
5. Fill in information about all the other court cases that involve both you and your former spouse.
6. Complete the information about personal property (furnishings, vehicles) that you were supposed to get through the divorce decree, but your former spouse will not allow you to have possession.
7. Complete the information about real property (houses, land) that you were supposed to get through the divorce decree, but your former spouse will not allow you to have possession.
8. Complete the information about real property that was ordered to be sold, but your former spouse will not cooperate in the sale.

**Request to the court:**

1. Complete 1 A, B, and/or C to match what you said in number 6, 7, and/or 8.
2. Write in anything else you think the court should do.
3. Sign the petition in front of a notary public, and file it with the court.

**Go on to the directions on what to do next, contained in this packet.**